

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:12-cr-00020-MR-DLH-3**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
RAYMOND M. CHAPMAN,)	
)	
Defendant.)	
<hr/>)	

THIS MATTER is before the Court on the Defendant's "Motion for sentence modification to direct immediate home confinement...." [Doc. 485].

On September 18, 2013, the Defendant pleaded guilty to one count of conspiracy to defraud the United States, in violation of 18 U.S.C. § 371. [Doc. 220]. On June 2, 2015, the Defendant was sentenced to a term of 36 months' imprisonment. [Doc. 397]. The Defendant now requests that the Court modify the last eight to ten months of his sentence to a term of home confinement. [Doc. 485].

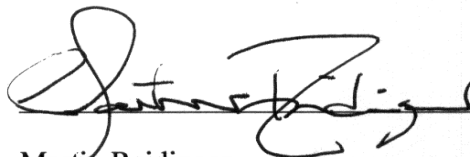
The Court may reduce or modify a defendant's sentence only under limited circumstances. Generally, the Court may reduce or modify a sentence only: (1) upon motion of the Director of the Bureau of Prisons, if

certain extraordinary and compelling reasons so warrant; (2) under the express authority of Rule 35 of the Rules of Criminal Procedure, which provides that the Court may correct a clear error in a sentence within 14 days after sentencing or reduce a sentence upon motion by the Government for the defendant's substantial assistance; or (3) when a defendant is sentenced to a term of imprisonment based upon a sentencing range that was subsequently lowered by the United States Sentencing Commission. See 18 U.S.C. § 3582(c). None of these circumstances are applicable in the present case. Accordingly, the Defendant's motion for a modification of the last eight to ten months of his sentence to a term of home confinement must be denied. Defendant's behavior while in the custody of the Bureau of Prisons appears to have been exemplary, but this does not expand the statutory basis for modifying Defendant's sentence.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant's "Motion for sentence modification to direct immediate home confinement..." [Doc. 485] is **DENIED**.

IT IS SO ORDERED.

Signed: October 28, 2017


Martin Reidinger
United States District Judge

